

Chapter 226
TERRITORIAL WATERS AND CONTIGUOUS ZONE ACT
To extend the territorial waters of Malta and to make provision for a contiguous zone.
10th December, 1971(1)

Short title

1. The short title of this Act is the Territorial Waters and Contiguous Zone Act.

Interpretation (2)

2. In this Act, unless the context otherwise requires - "appropriate action" means all or any of the following actions:

(a) to hail a vessel,

(b) to stop a vessel,

(c) to board a vessel,

(d) to search a vessel,

(e) to arrest and detain any person suspected of being about to commit a criminal offence or of having committed such an offence,

(f) to seize anything on board a vessel suspected of having any connection with a criminal offence,

aircraft, belonging to the armed forces or any of the law enforcement authorities of Malta, including the customs authorities, bearing the external marks distinguishing such vessel or craft as belonging to Malta and identifying it as being on government service;

"suspect vessel" means any vessel in respect of which appropriate action is to be taken.

Extent of territorial waters (3)

3. (1) Save as hereinafter provided, the territorial waters of Malta shall be all parts of the open sea within twelve nautical miles of the coast of Malta measured from low-water mark on the method of straight baselines joining appropriate points.

(2) For the purposes of the Fish Industry Act and of any other law relating to fishing, whether made before or after this Act, the territorial waters of Malta shall extend to all other parts of the open sea within twenty-five nautical miles from the baselines from which the breadth of the territorial waters is measured, and, for the purposes aforesaid, jurisdiction shall extend accordingly.

Contiguous Zone (4)

4. (1) Without prejudice to the provisions of article 3(2), in the zone of the open sea contiguous to the territorial waters of Malta as defined in article 3(1) (such zone being in this Act referred to as "the contiguous zone") the State shall have such jurisdictions and powers as are recognised in respect of such zone by international law and in particular may exercise therein the control necessary -

(a) to prevent any contravention of any law relating to customs, fiscal matters, immigration and sanitation, including pollution, and

(b) to punish offences against any such law committed within Malta or in the territorial waters of Malta as defined by article 3(1) or (2), as the case may require.

(2) The contiguous zone shall extend to twenty-four nautical miles from the baselines from which the breadth of the territorial waters is measured.

Action with respect to vessel within Maltese waters (5)

5. (1) Subject to the provisions of subarticle (2), any maritime enforcement officer on board a relevant vessel or craft may, within the internal or territorial waters of Malta, take appropriate action with respect to any vessel, other than a foreign military vessel or a ship owned by a foreign state used only for non-commercial service, whether flying the Maltese or any other flag or not flying any flag, reasonably suspected of having on board any person

(i) the arrest, detention and seizure of ships to ensure compliance with any law, rule, regulation or order and such other power as may be necessary for securing such compliance;

(j) the punishments, whether by way of fine (multa or ammenda) or of imprisonment, to be applied in respect of any contravention or non-observance of any regulation made under this article.

(2) In the application of any regulation made under subarticle (1) to warships or to nuclear powered ships or to ships carrying nuclear or other inherently dangerous or noxious substances, their passage through territorial waters may, by any such regulation, be made subject to the prior consent of, or prior notification to, such authority as may be specified therein.

Saving (8)

8. (1) Nothing in this Act shall be construed as affecting any jurisdiction and power exercisable in accordance with international law outside territorial waters, and in particular the following provisions of this article shall apply.

Right of hot pursuit

(2) Subject to the provisions of subarticle (3), where a relevant vessel or craft has, within Maltese internal or territorial waters, or within the contiguous zone of Malta, commenced the pursuit of a suspect vessel, the relevant vessel may continue in hot pursuit of the suspect vessel into the high seas provided that the pursuit has not been interrupted:

Provided that where the suspect vessel is within the contiguous zone when it is ordered to stop by a maritime enforcement officer on board the relevant vessel, the pursuit may only be undertaken if the suspect vessel is suspected of having committed any relevant offence.

(3) Where the suspect vessel is within the contiguous zone, hot pursuit may only be undertaken if the commission of a relevant offence is reasonably suspected.

(4) Hot pursuit may only be undertaken if the commission of a relevant offence is reasonably suspected.

